



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

HD:hd  
Docket No: 05795-00  
21 November 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LCDR [REDACTED] MC, USN [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 23 Aug 00 w/attachments  
(2) PERS-85 memo dtd 17 Sep 00  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected by changing his date of rank in the grade of lieutenant commander to 8 November 1995. The Navy Personnel Command (NPC) has corrected his date of rank as he requested. He further requested removal of his failure of selection for promotion before the Fiscal Year (FY) 01 Commander Staff Selection Board, so as to be considered by the selection board next convened to consider officers of his category for promotion to commander as an officer who has not failed of selection for promotion to that grade.

2. The Board, consisting of Messrs. Frankfurt and Pfeiffer and Ms. Newman, reviewed Petitioner's allegations of error and injustice on 16 November 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the NPC office having cognizance over active duty promotions has commented to the effect that Petitioner's request to remove his failure of selection for promotion should be approved.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**


a. That Petitioner's record be corrected so that he will be considered by the earliest possible selection board convened to consider officers of his category for promotion to commander as an officer who has not failed of selection for promotion to that grade.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.


c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
5720 INTEGRITY DRIVE  
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5420  
Pers 85  
17 Sep 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] MC, USNR, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is forwarded recommending approval of [REDACTED] request to remove his failure of selection.
2. A corrected oath has been received and processed by PERS-854 correcting his date of rank to 8 November 1995. Based on his previous date of rank which was improperly calculated, [REDACTED] was considered by the FY-01 Active Staff Commander Medical Corps Selection Board as an in-zone officer. He was not selected and incurred a failure of selection. Based on his corrected date of rank, [REDACTED] should not have been considered in-zone for Commander by the FY-01 board.
3. Recommend approval [REDACTED] request to remove his failure of selection. His date of rank has already been adjusted to 8 November 1995.

[REDACTED]  
[REDACTED]  
BCNR Liaison, Officer Promotions  
And Enlisted Advancement Division